United Nations A/HRC/WG.2/16/2/Add.1

General Assembly

Distr.: General
21 April 2015

English only

Human Rights Council
Working Group on the Right to Development
Sixteenth session
27 April – 1 May 2015
Item 4 of the provisional agenda
Review of progress in the implementation of the right to development, including consideration, revision and refinement of the right to development criteria and operational sub-criteria

Compilation of comments received on the draft framework to improve the effectiveness and efficiency of the Working Group on the Right to Development with a view to accomplishing its mandate

Note by the Secretariat

1. The present document contains comments received on the draft framework to improve the effectiveness and efficiency of the Working Group on the Right to Development with a view to accomplishing its mandate (A/HRC/WG.2/16/2). The draft framework was elaborated by the Chairperson-Rapporteur of the Working Group, Ms. Tamara Kunanayakam, pursuant to Human Rights Council resolution 27/2.

2. In response to its correspondence dated 13 March 2015, OHCHR received submissions from the Non-Aligned Movement, Cuba, Honduras, Japan and the United States of America.

3. All submissions are posted on OHCHR's website at the following address:

http://www.ohchr.org/EN/Issues/Development/Pages/Commentsdraftframework.aspx

4. The present document contains all submissions except that from Honduras, which was received in the PDF format not compatible for incorporation into this document.

GE.15-08056 (E)
1508056

Please recycle

Contents

	Paragraphs	*Page*
Non-Aligned Movement	1–6	3
Cuba	7–17	5
Japan	18–21	6
United States of America	22–29	6

Comments received on the draft framework to improve the effectiveness and efficiency of the Working Group on the Right to Development with a view to accomplishing its mandate

Non-Aligned Movement

1. The Non-Aligned Movement would like to express its gratitude to the Chairperson-Rapporteur of the Working Group for submitting the "Draft Framework to improve the effectiveness and efficiency of the Working Group on the Right to Development with a view to accomplishing its mandate" in accordance with the HRC resolution 27/2.

2. The NAM has supported the work of the Working Group over the years and would continue to support its mandate. We note the strides made by the Working Group on the right to development over the past years. At the same time, it is a matter of concern that, after a long effort by the international community to realize the right to development, we still witness obstacles, emanating from improper work of the global economic and financial system. The challenges of our current world are becoming more complicated and that's why, today, the realization of the right to development is a necessity more than ever.

3. The international community must demonstrate its political commitment and give the right to development the high profile it deserves. This is an urgent demand, due to the slow pace of the discussion of this important issue, as a result of which the right to development has yet to be fully and truly realized while almost three decade has been elapsed since the adoption of Universal Declaration on the Right to Development. Lasting progress towards the implementation of the right to development requires, in particular, equitable economic relations and a favourable economic environment at the international level.

4. Recalling the mandate of the Working Group, the drafters of the Declaration have realized the legal protection gap with regard to the right to development, which still exists today. That calls for the establishment, within the United Nations system, of a mechanism to evaluate how the United Nations system incorporated the right to development in its work.

5. The United Nations is in a crucial stage of its work, as we are at a turning point in drawing up the post-2015 development agenda. As the Human Rights Council resolution 27/2 has clearly highlighted, "the right to development should be central to the post-2015 development agenda." We must therefore seize this opportunity to place the right to development in the heart of the new development framework. Thus, a focussed and streamlined methodology should be followed by the Working Group in making sure that the right to development is adequately integrated into the United Nations development agenda beyond 2015.

6. In the light of the above, we remain concerned that the current debates in the Working Group have not led to tangible results. We hope that the proposed framework will set in motion a process of strengthening the Working Group. In this regard, we would like to register the following comments:

(a) It is essential that the Human Rights Council narrow differences and strive for consolidating political will for moving forward the work of the Working Group to accomplish its mandate;

(b) We firmly believe that the Right to Development-based approach is a comprehensive process through which all human rights (civil, cultural, economic, political, and social) and fundamental freedoms are progressively realized. We strongly believe that the international community cannot strive for human rights while ignoring human needs and in this regard the Right to Development must be integrated in all efforts for the realization of these rights;

(c) There is a need to mainstream the right to development in the policies and operational activities of the UN and its specialized agencies, programmes and funds as well as in policies and strategies of the international financial and multilateral trading systems, taking into account in this regard that the core principles of equality, equity, non-discrimination, transparency, accountability, participation and international co-operation, including effective partnerships for development, which are indispensable in achieving the right to development and preventing discriminatory treatment to the issues of core concern to the developing countries. Therefore, the need for complementarities between the Right to Development based approach and the mandates of the Special procedures of the Human Rights Council must be outlined so as to mainstream the right to development in their organizations;

(d) It is important that the Working Group upholds the several critical milestones within the UN human rights system which have registered progress on the Right to Development including the adoption of the United Nations Declaration on the Right to Development and the Vienna Declaration and Programme of Action (VDPA). The VDPA reaffirmed that the Right to Development is a universal and inalienable right and emphasized that the human person is a central subject and a beneficiary of development. For us, the Working Group cannot be seen to regress on these important milestones;

(e) There is an urgent need for the United Nations human rights machinery to ensure the operationalization of the Right to Development as a priority issue by working on the elaboration of a Convention on the Right to Development. This is the direction this Council has to take in order to realize the commitments made in the Millennium Declaration and the Global Developmental Agenda. As per UNHRC resolution 27/2, the criteria and corresponding operational sub-criteria, once considered, revised and endorsed by the Working Group, should be used, in the elaboration of a comprehensive and coherent set of standards for the implementation of the right to development. We further believe that this should advance towards an international legally binding instrument on the Right to Development including through the elaboration of a "Convention on the Right to Development";

(f) The Working Group has been established with a clear and specific mandate of the monitoring and reviewing of progress made by the international community in the promotion and implementation of the right to development as elaborated in the Declaration. Despite numerous resolutions adopted by the Commission of Human Rights and later the Human Rights Council, there is still no accountability for non-implementation of this right and there is no clear process to monitor and review of progress in the implementation of the right to development. We would like to see this mandate realized in a bold and meticulous manner and the Working Group should re-focus its efforts on the mandate as set out in the enabling resolution 1998/72 and we reiterate the Draft framework's focus on this matter;

(g) Taking into account op14 of the HRC resolution 27/2, the Office of the High Commissioner is highly urged, in the implementation of the Declaration on the Right to Development, to take sufficient measures to ensure balanced and visible allocation of resources and due attention to ensure visibility of the right to development through identifying and implementing tangible projects dedicated to the right to development, and to provide continuous updating to the Human Rights Council. It is imperative that the Office would draw up its plan in the implementation of this provision. This matter should

also be taken into consideration in the ongoing restructuring/reform process of the OHCHR;

(h) In 2016, we will commemorate the 30th anniversary of the Declaration on the Right to Development. For developing States across the world, this Declaration depicted at the time and also today, a promise by the International Community that we will all take hands to make this right a reality for everyone, thereby enabling each other to be better equipped to protect and promote the rights of our people. Hence, it should take stock of this momentum through defining and organizing, inter alia, a number of different initiatives and move forward with the sense of urgency that the current global situation demands to come up with clear and action-oriented results. In this context, it is highly recommended that a United Nations High-Level International Conference on the Right to Development be convened in the first half of 2016;

(i) In line with op11 of the HRC Resolution 27/2, the Working Group should consider, as a matter of high priority, the extension of the meeting time of the Working Group and recommend the Human Rights Council a concrete proposal in this regard.

Cuba

7. El Gobierno de la República de Cuba concede una particular importancia a los esfuerzos que han sido desplegados en el marco del sistema de las Naciones Unidas para convertir al Derecho al Desarrollo en parte integral del trabajo de los órganos y mecanismos de la ONU.

8. En ocasiones anteriores, tanto mediante notas verbales como en sus intervenciones en las sesiones del Grupo de Trabajo sobre el Derecho al Desarrollo, Cuba ha expresado que aprecia los trabajos realizados por el Grupo de Trabajo sobre el Derecho al Desarrollo, y reconoce los esfuerzos llevados a cabo para cumplir con su mandato.

9. Pese a todos esos esfuerzos, Cuba lamenta que estos no hayan rendido el fruto esperado y que aún la implementación de este importante derecho humano se encuentre tan atrasada.

10. El Derecho al Desarrollo es esencial para el goce de los demás derechos humanos, y la responsabilidad internacional en crear las condiciones necesarias para la plena realización de este derecho es parte consustancial de cualquier debate que sobre el tema se sostenga.

11. Cuba reitera que las labores del Grupo de Trabajo sobre el Derecho al Desarrollo deben conducir a la elaboración de un instrumento internacional jurídicamente vinculante en la materia.

12. Cuba coincide en gran parte con las propuestas realizadas por la Presidenta-Relatora del Grupo de Trabajo, contenidas en el proyecto de Marco, y desea destacar algunos temas en particular.

13. Se requiere una mayor voluntad política, de parte de los países desarrollados fundamentalmente, para avanzar en el cumplimiento del mandato del Grupo de Trabajo.

14. Se necesitan mejoras en la definición de la agenda y el programa de trabajo de las sesiones del Grupo de Trabajo, con una distribución de tiempo más realista y efectiva, para cada una de los subtemas y en correspondencia con sus respectivas complejidades e importancia.

15. Mucha pertinencia reviste la asignación de recursos, tanto humanos como materiales, en la efectividad y eficiencia del Grupo de Trabajo. La inestabilidad en su financiamiento afecta considerablemente sus labores, incluyendo la carencia de personal de

la Secretaría. Se requiere aumentar y estabilizar el apoyo de la Secretaría a las sesiones del Grupo de Trabajo. Por otra parte, resulta vital concretar la propuesta de aumentar el tiempo de duración de las sesiones.

16. Por otra parte, sin perderse la naturaleza intergubernamental del Grupo de Trabajo, se debe promover una mayor participación de los fondos, programas y agencias relevantes del Sistema de las Naciones Unidas en las sesiones del Grupo, y las formas en que estos pueden contribuir a sus labores.

17. El Grupo de Trabajo debería avanzar más aceleradamente en la consideración de los criterios y los correspondientes sub criterios para la implementación del Derecho al Desarrollo, con el objetivo de finalizar cuanto antes esa labor que empezó hace varias sesiones.

Japan

18. Japan attaches importance to maintaining a consensual approach for the discussion on the right to development. It is our expectation that the discussion at the Working Group to be continued to harmonize various views on and interpretations of the "right to development". Japan acknowledges the submission of the Draft Framework to improve the effectiveness and efficiency of the Working Group on the Right to Development with a view to accomplishing its mandate, and would like to point out following three points.

(a) Post-2015 development agenda and the right to development

19. In reference to Annex Draft Framework 4 (d) "to pay particular consideration to the right to development", Japan considers that we should not prejudge the outcome of the ongoing negotiation on the post-2015 development agenda, while due attention should be given to human rights in general.

(b) Indicators

20. As expressed in the past, Japan believes that discussions on the specific indicators are essential to measure the degree of the enjoyment of the "right to development" by individuals. Japan suggests including the discussion of "indicators", which is not included in the present draft framework.

(c) Extension of meeting time of Working Group

21. In reference to 3 and 4 (i) ("extension of its meeting time"), Japan is of the view that discussion at the Working Group needs to be efficiently conducted, in accordance with the intention of the draft framework. In this regard, Japan is not agreeable to simply extending the meeting time of the Working Group.

United States of America

Comments:

22. The concerns of the United States about the existence of a "right to development" are long-standing and well known - the "right to development" does not have an agreed international meaning. Furthermore, work is needed to make it consistent with human rights, which the international community recognizes as universal rights held and enjoyed by individuals and which every individual may demand from his or her own government.

23. Rather than seeking out additional resources, the United States believes that the Working Group should consider ways to use its existing means referenced in Section II, paragraph 3, "including tools, procedures, time and human and material resources."

Additional requests, such as expanded meeting time or additional human and material resources, may require additional funding, which is contrary to our policy priority of limiting growth in the United Nations regular budget.

24. When the Working Group reviews its agenda (per Section II, paragraph 4 (a)), the United States recommends that topical issues such as non-discrimination and the promotion and protection of the rights of members of minority or vulnerable groups are considered. For example, the human rights of persons with disabilities are an important economic and human rights issue. Through our development agenda, we have an important opportunity to show the world that we value the contributions of all individuals, including those with disabilities. (Ref: S Speech at UN HLD on Disability and Development, Sept 2013, http://www.state.gov/secretary/remarks/2013/09/214538.htm)

25. Similarly, in reference to tangible projects dedicated to the right to development (Section II, paragraph 4 (f)), the United States recommends that projects pertaining to non-discrimination and the promotion and protection of the rights of members of minority or vulnerable groups are considered. The principle of non-discrimination that underpins the concept of human rights is critical, and one the United States continually strives to fulfill.

26. Also in reference to Section II, paragraph 4 (f), the United States believes that it is the responsibility of the Human Rights Council to ensure that OHCHR is following through on provisions in resolutions pertaining to the right to development, not the responsibility of this Working Group.

Questions:

27. In Section I, paragraph 2, what is the "current global situation"? Please clarify the meaning of this phrase.

28. In Section II, paragraph 4 (a), which topical issues and evolving priorities will be considered?

29. In Section II, paragraph 4 (e), what is meant by the phrase "on the one hand"? Please clarify the meaning of this phrase.